

The Gazette of India



PUBLISHED BY AUTHORITY

SIMLA, SATURDAY, APRIL 24, 1954

Separate paging is given to this Part in order that it may be filed as a separate compilation

PART III—SECTION 3

Notifications relating to Minor Administrations

GOVERNMENT OF KUTCH

NOTIFICATION

Bhuj, the 13th April 1954

No. S-81/54—The Comptroller, Saurashtra, Rajkot having certified title to leave, the Chief Commissioner for Kutch is pleased to grant to Shri P. H. Vaidya, Additional Subordinate Judge and First Class Magistrate, Anjar earned leave for fifteen days with effect from 19th February 1954 to 5th March 1954 (both days inclusive).

By order

S. B. PATIL

Secretary to the
Chief Commissioner for Kutch

ORDERS

Bhuj, the 9th April 1954

No. HR-174/51—Reference this office order No. HR-41(2)/52 dated the 18th April 1953 and letter No. F. 1/52-EE&T dated the 15th March 1954 from the Government of India, Ministry of Law.

2. The Chief Commissioner is pleased to order that the period of appointment of Shri T. B. Sujan, as Election Officer in the scale of Rs. 250—15—325 may be further extended for six months with effect from 1st March 1954 to 31st August, 1954 on the existing terms. He will retain his lien on his substantive post of a Mamlatdar (Junior grade) in the Revenue Department.

By order,

S. B. PATIL

Secretary to the Chief
Commissioner for Kutch

Bhuj, the 12th April 1954

No. S-182/53—Consequent on the deputation of Shri T. B. Sujan, temporary Election Officer and Shri N. B. Pathak, Mamlatdar, Junior grade, Anjar for training at the Secretariat Training School, New Delhi for the period from 19th April 1954 to 22nd May 1954 (vide this Government order No. F.242/53 dated the 8th April 1954), the Chief Commissioner is pleased to pass the following orders :—

- (1) Shri P. V. Thacker, Head Clerk in the Collector's Office is transferred as Mamlatdar, Junior Grade Anjar vice Shri N. B. Pathak under training at New Delhi.
- (2) Shri U. L. Dholakia, Excise Inspector, will hold charge of the post of Head Clerk in the Collector's office in addition to his own duties vice Shri P. V. Thacker transferred to Anjar.
- (3) Shri N. B. Pathak, on return from his training will be posted as Head Clerk in the Collector's Office and will take over accordingly from Shri U. L. Dholaki.

By order

S. B. PATIL

Secretary to the
Chief Commissioner for Kutch

AJMER STATE GOVERNMENT

Law and Judicial Department

Ajmer, the 9th April 1954

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 3rd March 1954 and is hereby Published for general information :—

THE AJMER ENTERTAINMENTS TAX ACT, 1953
ACT NO. X OF 1953

An Act to impose a tax on Entertainments and other amusements in the State of Ajmer.

Be it enacted by the Legislative Assembly of the State of Ajmer as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Ajmer Entertainments Tax Act, 1953.

(2) It extends to the whole of the State of Ajmer.

(3) Sections 1 and 2 shall come into force at once ; and the remaining provisions of this Act shall come into force in such areas and on such dates as the State Government may, by notification appoint ; and different dates may be appointed for different areas.

2. Interpretation Clause.—(1) In this Act, unless there is anything repugnant in the subject or context,—

- (a) "admission" includes admission as a spectator or as one of an audience and admission for the purpose of amusement by taking part in an entertainment ;
- (b) "admission to an entertainment" includes admission to any place in which an entertainment is held ;
- (c) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are admitted for payment ;

Explanation.—The exhibition of news reels, documentaries, advertisement slides and cartoons whether before, during or after the exhibition of a feature film, is 'entertainment' ;

- (d) "notification" means a notification published in the official Gazette ;

- (e) "payment for admission" includes—

- (i) any payment made by a person who, having been admitted to one part of a place of entertainment is subsequently admitted to another part thereof, for admission to which a payment involving a tax or a higher tax is required ;
- (ii) any payment for seats or other accommodation in a place of entertainment ;
- (iii) any payment for a programme or synopsis of entertainment ; and
- (iv) any payment for any purpose whatsoever connected with an entertainment which a person is required to make as a condition of attending or continuing to attend the entertainment in addition to the payment, if any, for admission to the entertainment ;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "proprietor" in relation to any entertainment includes any person responsible for the management thereof;

Explanation.—A person charged with the work of admission to an entertainment is for the purposes of sections 4 and 5 a person responsible for the management.

(h) "scat" includes standing accommodation;

(i) "society" includes a company, institution, club or other association of persons by whatever name called;

(j) "State Government" means the Chief Commissioner of the State of Ajmer; and

(k) "ticket" means a ticket for the purpose of securing admission to an entertainment.

(2) The General Clauses Act, 1897 (X of 1897), applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

3. Tax on payment for admission to entertainment.—(1) Except as otherwise expressly provided in this Act, there shall, with effect from the date on which this Act comes into force, be levied, and paid to the State Government, in respect of all payments for admission to an entertainment, a tax (hereinafter referred to as the "entertainments tax") at the rate of twenty per centum of any such payment for admission.

(2) If in any entertainment to which admission is general by on payment, any person is admitted free of charge or at a reduced charge, he shall be liable to pay the same amount of entertainments tax as would have been payable by him had he been admitted on full payment to the class to which he is entitled.

(3) Where the payment for admission to an entertainment is made by means of a lump sum paid as a subscription or contribution to any society, or for a season ticket or for the right of admission to a series of entertainments or to any entertainment during a certain period of time, or for any privilege, right, facility or thing combined with the right of admission to any entertainment or involving such right of admission without further payment or at a reduced charge, the entertainments tax shall be paid on the amount of the lump sum, but where the State Government is of opinion that the payment of a lump sum or any payment for a ticket represents payment for other privileges, rights or purposes besides the admission to an entertainment, or covers admission to an entertainment during any period for which the entertainments tax has not been in operation, the tax shall be charged on such amount as appears to the State Government to represent the right of admission to entertainments in respect of which the entertainments tax is payable.

4. Manner of admission and payment.—(1) Save as otherwise provided by this Act, no person, other than a person who has some duty to perform in connection with the entertainment or a duty imposed upon him by or under this Act or any other law, shall be admitted to any entertainment in respect of which entertainments tax is payable under section 3 except with a ticket stamped with an impressed, embossed, engraved or adhesive stamp (not before used) issued by the State Government for the purposes of revenue and denoting that the proper entertainments tax payable under section 3 has been paid.

(2) The State Government may, on the application of a proprietor of any entertainment in respect of which the entertainments tax is payable under section 3, permit the proprietor, on such conditions as the State Government may prescribe, to pay the amount of the tax due—

(a) by a consolidated payment of a percentage, not exceeding sixteen and two-third, to be fixed by the State Government, of the gross sum received by the proprietor on account of payments for admission to the entertainment and on account of the entertainments tax;

(b) in accordance with returns of the payments for admission to the entertainment and on account of the tax;

(c) in accordance with the results recorded by any mechanical contrivance which automatically registers the number of persons admitted.

(3) The provisions of sub-section (1) shall not apply to any entertainment in respect of which the entertainments tax due is payable in accordance with the provisions of sub-section (2).

5. Penalty for non-payment of tax.—(1) No person liable to pay entertainments tax shall enter or obtain admission to an entertainment without payment of the tax leviable under section 3.

(2) Any person who enters or obtains admission to an entertainment in contravention of the provision of sub-section (1) shall, on conviction before a Magistrate, be liable to pay a fine not exceed two hundred rupees and shall in addition be liable to pay the tax which would have been paid by him.

(3) If any person liable to pay entertainments tax is admitted to a place of entertainment without payment of the tax leviable under section 3, the proprietor of the entertainment to which such person is admitted shall, on conviction before a Magistrate, be liable in respect of every such contravention to a fine not exceeding five hundred rupees.

6. Construction of references in the Act to "admission to an entertainment" and "a person admitted to an entertainment".—Any reference in this Act to admission to an entertainment or to a person admitted to an entertainment shall be deemed to include a reference to admission to another part of place of entertainment for admission to which part a payment involving entertainments tax or higher entertainments tax is required of a person who has been admitted to one part of that place of entertainment, and to such a person admitted to such another part of a place of entertainment, and the provisions of this Act shall have effect accordingly.

7. Exemptions and refunds.—(1) The entertainments tax may not be levied on payments for admission to any entertainment where the State Government is satisfied—

- (a) that the entire gross proceeds of the entertainment are devoted to philanthropic, religious or charitable purposes without any charge on such proceeds for any expenses of the entertainment; or
- (b) that the entertainment is of a wholly educational character; or
- (c) that the entertainment is provided for purposes which are partly educational or cultural or partly scientific by a society not conducted or established for profit; or
- (d) that the entertainment is provided by a society, not conducted for profit and established solely for the purpose of promoting the interest of an industry or agriculture, or of a manufacturing industry, or some branch thereof, or the public health and consist solely of an exhibition of the products of the industry, or branch thereof, for promoting the interests of which the society exists or of materials, machinery, appliances, or food-stuffs, used in the production of those products, or of articles which are of material interest in connection with the questions relating to public health, as the case may be.

(2) Where the State Government is satisfied that the whole of the net proceeds of an entertainment are devoted to philanthropic, religious or charitable purposes, and that in calculating the net proceeds, not more than twenty-five per centum of the gross proceeds have been deducted on account of the expenses of the entertainment, the amounts of the entertainments tax paid in respect of such entertainment shall be refunded to the proprietor.

8. Entertainments tax recoverable as arrears of land revenue.—Any such due on account of the entertainments tax may, after default, be recovered by the State Government as an arrear of land revenue from the proprietor.

9. Entry into and inspection of places of entertainments.—(1) Any officer authorised by the State Government in this behalf may enter into, inspect and search any place of entertainment while the entertainment is proceeding, or any place ordinarily used as a place of entertainment at any reasonable time for the purpose of seeing whether the provisions of this Act or any rules made thereunder are being complied with.

(2) Every officer so authorised shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

(3) The proprietor of every entertainment, or the owner or person in charge of any place ordinarily used as a place of entertainment shall give every reasonable assistance to such officer in the performance of his duties under sub-section (1).

(4) If any person prevents or obstructs the entry of such officer, he shall, in addition to any other punishment to which he is liable under any law for the time being in force, be punished with fine which may extend to five hundred rupees.

10. *Prohibition against re-sale of tickets.*—(1) Notwithstanding anything contained in section 56 of the Indian Easements Act, 1882 (V of 1882), a ticket for admission to an entertainment shall not be re-sold for profit by the purchaser thereof or any other person.

(2) Whoever re-sells any ticket for admission to an entertainment for profit shall be punishable with a fine not exceeding two hundred rupees.

11. *Powers to State Government to delegate certain powers.*—The State Government may, by notification, delegate subject to such restrictions, limitations and conditions, if any, as may be specified in the notification, all or any of its powers under this Act, except those conferred upon it by section 13 and by this section, to any person or to any authority subordinate to the State Government and may in like manner withdraw any powers so delegated.

12. *Bar to certain proceedings.*—No suit, prosecution or any other legal proceeding shall lie against any servant of the State for anything which is in good faith done or intended to be done under this Act or the rules made there under.

13. *Powers of State Government to make rules.*—(1) The State Government may make rules consistent with the Act for securing the payment of the entertainments tax and generally for the purpose of carrying into effect the provisions of this Act, and in particular—

- (a) for the supply and use of stamps or stamped tickets or for the stamping of tickets sent to be stamped, and for securing the defacement of stamps when used;
- (b) for the use of tickets covering the admission of more than one person and the calculation of the tax thereon and for the payment of the tax on the transfer from one part of a place of entertainment to another and on payments for seats or other accommodation;
- (c) for controlling the use of barriers or mechanical contrivance (including the prevention of the use of the same barrier or mechanical contrivance for payment of a different amount), and for securing proper records of admission by means of barriers or mechanical contrivances;
- (d) for the checking of admission, the keeping of accounts and the furnishing of returns by the proprietors of entertainments to which the provisions of sub-section (2) of section 4 are applied or in respect of which the arrangements approved by the State Government for furnishing returns are made under that sub-section;
- (e) for the renewal of damaged or spoiled stamps and for the procedure to be followed on applications for refund under this Act or under the rules made thereunder;
- (f) for the keeping of accounts of all stamps used under this Act;
- (g) for the presentation and disposal of applications for exemption from payment of the entertainments tax, or for the refund thereof, made under the provisions of this Act;
- (h) for the exemption from entertainments tax of any class of the audience or spectators.

(2) If any person acts in contravention of, or fails to comply with, any such rules, he shall, on conviction before a Magistrate, be liable in respect of each such offence, to a fine not exceeding two hundred rupees.

14. *Municipal Committee constituted under Central Regulation VI of 1925 not to impose tax on entertainments and amusements.*—On and from the commencement of this Act it shall not be competent for any Municipal Committee constituted under the Ajmer-Merwara Municipalities Regulation, 1925 (Central Regulation VI of 1925), to impose any tax on entertainments and other amusements in any area within the jurisdiction of the said Committee in pursuance of that Regulation.

G. S. GAITONDE
Secretary to Government

Legislative Assembly Department.

THE AJMER PREVENTION OF PROSTITUTION (AMENDMENT) BILL, 1953

Report of Select Committee

The Select Committee to which the Ajmer Prevention of Prostitution (Amendment) Bill, 1953, was referred for consideration have considered the Bill and the following are the recommendations of the Committee.

1. Substitute the following in place of clause 2 of the amending Bill :

“2. *Interpretation.*—In this Act “Principal Act” means the Ajmer Prevention of Prostitution Act, 1953.”

2. In section 1 of the Principal Act add sub-section (4) as follows :

“(4) This Act shall remain in force till the 30th June 1956.”

3. In section 4 of the Principal Act omit the words “knitting room, embroidery room”.

4. For section 11 of the Principal Act the following shall be substituted :

“11. Prostitution in other than notified areas :—

(1) (a) Whoever carries on the business prostitution in an area other than an area which is notified in this behalf by the District Magistrate, or (b) Whoever for the purpose of prostitution enters any premises situate in an area other than an area notified as aforesaid,

shall be punishable with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both.”

(2) For the purposes of sub-section (1), the District Magistrate shall notify the areas in which prostitution is prohibited.

5. In section 13 the existing sub-sections (1) and (2) shall be renumbered as sub-sections (2) and (3) and the following shall be inserted as sub-section (1) :

“(1) Notwithstanding anything contained in any law for the time being in force, where any gazetted police officer has reason to believe that any offence punishable under section 4 or section 11 (1) has been or is being committed in any premises, he may, after recording such reason in a police diary, enter such premises without a warrant.”

6. In sub-section (2) of section 13 re-numbered as above for the word and figure “section 3” substitute the words and figures “sections 3, 4 or 11(1)”.

The Bill has already been published in the Gazette of India on the 21st November 1953 and as the amendments recommended by the Select Committee are few, it is not considered necessary to republish the Bill along with report of this Select Committee.

BAL KRISHNA KAULA
JAI NARAIN SHARMA
JAGAN NATH SHARMA
HARJIT LAL
LAXMAN SINGH
PARAS RAM
SHEO NARIAN SINGH

Ajmer, the 12th April 1954

No. 1/32/52-L.A.—The following order by the Chief Commissioner, Ajmer, dated the 12th April, 1954, is published for general information :—

In pursuance of clause (a) of sub-section (2) of section 9 of the Government of Part C States Act, 1951 (XLIX of 1951), I, M. K. Kriplani, Chief Commissioner, Ajmer hereby prorogue the Legislative Assembly of the State of Ajmer with effect from the close of its meeting on the 12th April 1954.

M. K. KRIPLANI
Chief Commissioner
Ajmer

Labour Department

Ajmer, the 12th April 1954

No. 5/1/54-LAB—In exercise of the powers conferred by Section 11 of the Weekly Holidays Act, 1942, (XVIII of 1942) read with the Government of India, late Department of Labour Notification No. L.4006, dated the 9th November 1942, the Chief Commissioner, Ajmer, is pleased to exempt all shop-keepers in the State of Ajmer from the operation of Section 3(1) of the said Act for the 26th January and 15th August of every year (Republic Day and Independence Day), subject to the condition that the employees will be allowed weekly Holiday on that day.

By order,
V. N. BHATIA
Deputy Secretary

Confidential Department Food and Civil Supplies Branch

ORDER

Ajmer, the 27th February 1954.

No. FCS-3/24/53-ConI—In pursuance of clause 4 of the Foodgrains (Licensing and Procurement) Order, 1952. The

Chief Commissioner, Ajmer, with the prior concurrence of the Central Government, directs that the following amendments shall be made in the Form of licence prescribed in clause 3 of the State Government Order No. FCS-3/24/53-Confl. (2) dated the 29th April 1953, namely;

In the said Form,

- (1) condition 7 shall be deleted;
- (2) in condition 10, marked with asterisk; which applies to retail licenses only, for the figures "100" and "20" the figures "250" and "50" respectively shall be substituted.

By order,

A. SEN

Chief Secretary to Government of Ajmer

CORRIGENDA

The Ajmer Livestock Improvement Bill, 1954

1. At page 92 in clause 1(3) in line 1 for 'Section' read 'Sections'.
2. At page 93 in clause 4 in line 4 add 'a' between the words 'of' and 'licence'.
3. At page 93 in clause 5 in line 5 for 'conditions' read 'conditions'.
4. At page 93 in clause 6(2)(b) in line 2 insert the words 'or restrictions' between the words 'conditions' and 'of'.
5. At page 93 in clause 15(2)(b)(iii) in line 3 for 'casts' read 'costs'.

The Ajmer Animal Preservation Bill, 1954.

At page 95 in clause 8 in line 1 for 'Pawer' read 'Power'.

CENTRAL BOARD OF SECONDARY EDUCATION, AJMER

CORRIGENDUM

Ajmer, the 19th April 1954

In the result for the High School Examination of this Board for 1953 printed in the Gazette of India, Part III, Section 3, dated November 14, 1953:—

Read the total number of marks obtained by (Miss) Bani Chakrabarty, Roll Number 2926 as 359 instead of 350, under the heading "Merit List".

G. D. WIDHANI
Secretary

Central Board of Secondary Education, Ajmer

IN THE COURT OF THE INSOLVENCY JUDGE, STATE OF AJMER AT AJMER.

Insolvency Case No. 19 of 1953

Geneshilal son of Sukhdev Prasad Sharma resident of Ajmer.—Petitioner

Versus

Mst. Mathra Devi, Sheonarain and Rameshwaryayal.—Creditors.

Whereas petitioner has made an application under section 10(1) and section 13 of the Provincial Insolvency Act to this Court on the 12th day of October 1953 to declare an insolvent. All the creditors are hereby informed that the above noted case has been fixed for hearing and disposal on the 30th day of April 1954 at 10-30 A. M. If you desire to be represented in the matter you should attend this Court in person or duly instructed pleader. In default of your appearance, the application will be heard ex parte.

Given under my hand and seal of the Court this 2nd day of April 1954.

Schedule A.

	Rs. A. P.
1. Mst. Mathradevi, Aryanagar, Ajmer	2000 0 0
2. Sheonarain Singh son of Kuldaram Kesar ganj Ajmer	2000 0 0
3. Rameshwaryayal Parshadilal Merchant Abu Road	5301 0 0
	9301 0 0

Schedule B.

Rs. A. P.

Household goods viz. wearing apparel, bedding, cot and utensils valued approximately 100 0 0

By order,

RISHI KESH

Clerk of Court
to the Insolvency Judge, Ajmer

Insolvency Case No. 21 of 1953

Inderchand son of Sobhagmal Jain of Kekri.—Debtor-Petitioner.

Versus

Shri Sitaram Director of the Mortgage Bank Ajmer and others.—Creditors-opposite-parties.

Whereas petitioner has made an application under section 13 of the Provincial Insolvency Act to this Court on the 26th day of November 1953 to declare an insolvent. All the creditors are hereby informed that the above noted case has been fixed for hearing and disposal on the 30th day of April 1954 at 10-30 A.M. If any one desires to be represented in the matter he should attend this Court in person or duly instructed pleader. In default of your appearance, the application will be heard ex parte. Given under my hand and seal of the Court this 2nd day of April 1954.

Schedule A.

Rs. A. P.

1. Shri Sitaram Director the Mortgage Bank, Ajmer	1667 8 0
2. Shri Sukhdeo Ramnarain Khatri Kekri	1128 5 0
3. Shri Misrilal Jamboo Kunwar Patni Kekri	500 0 0
4. Shri Deepchand, Misrilal, Puamchand and Amolak chand sons of Rikhabass Joint Families as styled Omparkash Kapoorchand at Kekri	137 15 0
5. Shri Chandmal Saraogi son of Rajmal Kekri	110 0 0
6. Shri Nemichand son of Kalooram as styled Kaluram Nemichand Kekri	176 0 0
7. Jethmal Nathulal Styled Jamandas Vithaldas Kekri	168 0 0
8. Pt. Amaral Shivprakash Brahmin Gujari Kekri	184 0 0
9. Shri Kisturmal Katariya Kekri	186 0 0
10. Shri Krantichandra Roopchand Katariya Kekri	411 0 0
11. Shri Hemraj Sah Saraogi Kekri	100 0 0
12. Shri Maganlal Preminchandra Saraogi Kekri	200 0 0
13. Shri Mahabir Dal Store its proprietor Mithanlal Patni Kekri	305 0 0
14. Shri Deepchand Sobhagmal Rupawat Mahajan Kekri	365 0 0
15. Chittermal Bhanwarlal Mahajan Kekri	200 0 0
16. Chhagnlal Murlidar Kekri	85 0 0
17. Sujanmal Mahendra Kumar Kekri	125 0 0
18. Shri Gandalal Suganchand Kekri	185 0 0
19. The Chairman Gidni Female Hospital, Kekri	35 0 0
20. Inderchand son of Misrilal Gangwal Kekri	400 0 0
21. Kalyanmal son of Phundalal Mahajan Kekri	60 0 0
Total	6729 12 0

Schedule B.

- (1) One pair of Nevri of silver article A worth about Rs. 25.
- (2) One silver ring article B.
- (3) Two currency notes of Rs. 100/- each.
- (4) Three currency notes of Rs. 10/- each.
- (5) One currency note of Rs. 5/-.
- (6) One currency note of Rs. 2/-.
- (7) Two currency notes of Re. 1/- each.
- (8) 50 silver coins of Re. 1/-.
- (9) 3 silver coins of Re. 1/- Udaipur Raj.
- (10) 37 Kuchamnies of Mewar Raj.
- (11) 3 eight annas pieces.
- (12) One Geometry Box.
- (13) Diba containing agrbaties.

These are in the Police custody and attached in the execution of Inderchand Misrilal.

2. At the time of personal search Rs. 17/- are lying in the Police custody.
3. Rs. 200/- of security amount of third person lying in the Court.
4. Nathu son of Lakha Harijan of Kekri due. Rs. 46/8
5. Ganeshilal Heda of Sarwar due. Rs. 85/8.

By order,

RISHI KESH

Clerk of Court
to the Insolvency Judge, Ajmer